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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/803,219 | 03/07/2001 | William J. Hilliard | 154025-0074 | 6786 |
| 28653 | 7590 | 01/23/2007 | EXAMINER | |
| JOHN A. SMART 708 BLOSSOM HILL RD., #201 LOS GATOS, CA 95032 | | | LAY, MICHELLE K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2628 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/23/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|-----------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/803,219 | HILLIARD ET AL. |
| | Examiner Michelle K. Lay | Art Unit 2628 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 November 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/30/2006 has been entered.

Response to Amendment

The amendment filed 11/13/2006 has been entered and made of record. The amendment to the specification has overcome the specification objection made in the Non-Final rejection filed 08/04/2006. Claims 1-33 are pending.

Response to Arguments

Applicant's arguments, filed 11/13/2006, have been fully considered and are persuasive.

Applicant argues Fields et al. (6,581,109) fails to teach or suggest "default image display characteristics". Although Fields does not explicitly teach default characteristics for display on the client computer, it is implicit that these default characteristics correspond to the factory settings of the display. Fig. 4 of Fields teaches the user

selecting the corresponding monitor from the listbox (80) consisting of a list of commercial monitors. Listbox (82) identifies the available display resolution for each display monitor that may be selected [col. 6 lines 5-9]. Therefore, it is well known that commercial monitors have default settings and thus, the user selects these default settings by selecting the corresponding commercial monitor. The calibration data as taught by Fields then corresponds to the set of default image display characteristics to adjust the requested image on the client computer [col. 6 lines 10-15].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (6,581,109).

Regarding claim 1, Fields discloses that the claimed feature of a method for providing images to a client computer over a computer network, comprising: receiving a request ["request"] from the client computer [i.e. "client machine"] to an image server ["server"] for an image; determining the unavailability of client computer ["client"] image display characteristics [i.e. "calibration data/parameter"] to the image server ["server"]; and selecting a set of default image display characteristics ["calibration data/parameter"] to

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adjust the requested image in accordance with the set of default characteristics for display on the client computer ["client's default settings"], the set of default image display characteristics being unrelated to the image display characteristics ["calibration data/parameter"] of the client computer ["client"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Although Fields does not explicitly teach default characteristics for display on the client computer, it is implicit that these default characteristics corresponds to the factory settings of the display. The calibration data as taught by Fields then corresponds to the set of default image display characteristics to adjust the requested image on the client computer.

Regarding claim 2, Fields discloses wherein the set of default image display characteristics being based on the average image display characteristics of a plurality of computer clients having known image display characteristics (see Abstract, Fig. 3; col. 2 lines 14-42).

Regarding claim 3, Fields discloses that prior to selecting the set of default characteristics: determining one or more sets of default image display characteristics ["calibration data/parameter"] based on the average image display characteristics of the plurality of computer clients ["client"] having known image display characteristics ["default information"] (see Abstract; Fig. 3; col. 2 lines 14-42).

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Regarding claim 4, Fields discloses that determining one or more sets of default image display characteristics comprises: determining groups of the computer clients ["client"] having known image display characteristics ["default information"]; and calculating a set of default image display characteristics ["calibration data/parameter"] for each group of computer clients having known image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim 5, Fields discloses that determining one or more sets of default image display characteristics comprises: calculating one set of default image display characteristics for substantially all computer clients having known image display characteristics ["default information"] (see Abstract; Fig. 3; col. 2 lines 14-42)

Regarding claim 6, Fields discloses that determining one or more sets of default image display characteristics comprises: determining a group of computer clients having known image display characteristics ["default information"] that are visually perceived as substantially uniform by a viewer; and calculating a set of default image display characteristics for the group of computer clients (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim 7, Fields discloses that determining the group of computer clients having known image display characteristics that are visually perceived as substantially uniform by a viewer comprises: determining the group having the largest number of

computer clients ["client"] having known image display characteristics that are visually perceived as substantially uniform by a viewer (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim 8, Fields discloses that determining the group having the largest number of computer clients having known image display characteristics that are visually perceived as substantially uniform by a viewer comprises: determining the coordinates that are within a selected distance of the maximum number of coordinate points in a multidimensional parameter space comprising the characteristics of the plurality of computer clients having known image display characteristics, the selected distance encompassing image display characteristics that are visually perceived as substantially uniform by a viewer (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim 9, Fields discloses that calculating the set of default image display characteristics for the group of computer clients comprises: determining the center of a multidimensional parameter space ["space"] comprising the characteristics of the plurality of computer clients having known image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claims 10 and 11, Fields discloses that calculating the set of default image display characteristics for the group of computer clients comprises: determining coordinates in a multidimensional parameter space comprising the characteristics ["profile data/parameter"] of the plurality of computer clients ["clients"] having known

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image display characteristics, the coordinates representative of a set of default image display characteristics [“default web pages”] that maximize/minimize the amount of image adjustment for all computer clients on the computer network [“network”] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 12, Fields discloses that determining the one or more sets of default image display characteristics comprises: determining the one or more sets of default image display characteristics [“profile”] in response to each received image request [“request”] (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim 13, Fields discloses that adjusting the requested image in accordance with the selected one of the one or more sets of default characteristics [“default information”] determined in response to the received image request [“request”] (see Abstract; Fig. 3; col. 2 line 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 14, Fields discloses that prior to determining the one or more sets of default image display characteristics in response to each received image request: updating a database comprising the characteristics of the plurality of computer clients [“client”] having known image display characteristics [“default information”] to determine the one or more sets of default image display characteristics [i.e. “default web pages”] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 15, Fields discloses that adjusting the requested image ["adjusting image color"] in accordance with the selected one of the one or more sets of default characteristics ["default information"] determined in response to the received image request ["request"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 16, Fields discloses that determining one or more sets of default image display characteristics comprises: periodically determining one or more sets of default image display characteristics ["calibration data/parameter"] based on the average image display characteristics of the plurality of computer clients ["client"] having known image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 6 line 55 – col. 7 line 27).

Regarding claim 17, Fields discloses that adjusting the requested image in accordance with the selected one of the latest one or more sets of default characteristics ["default information"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 18, Fields discloses that prior to periodically determining the one or more sets of default image display characteristics: updating a database comprising the characteristics of the plurality of computer clients having known image display characteristics to determine the one or more sets of default image display

characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 19, Fields discloses that adjusting the requested image in accordance with the selected one of the latest one or more sets of default characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 20, Fields discloses that selecting an image in response to the request, the image being adjusted in accordance with the selected set of default image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 line 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 21, Fields discloses that selecting an image adjusted in accordance with the selected set of default image display characteristics comprises: selecting an image adjusted in accordance with the selected set of default image display characteristics from a plurality of adjusted images (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 22, Fields discloses that selecting the set of default image display characteristics comprises: selecting the set of default image display characteristics based on the average image display characteristics of a plurality of computer clients having known image display characteristics including one or more of input/output

characteristics, color rendering capabilities, and spatial rendering properties (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 23, Fields discloses that selecting the set of default image display characteristics further comprises: selecting the set of default image display characteristics based on characteristics of the requesting client computer [“client machine”] including one or more of software characteristics and communication characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 24, Field discloses that selecting the set of default image display characteristics further comprises: selecting the set of default image display characteristics based on characteristics of the requesting client computer including the relative age of a client computer display monitor [i.e. Mac number] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 25, Fields discloses that prompting a user of the client computer to provide information regarding the client computer [“client machine”]; and selecting the set of default image display characteristics [“default web page”, “calibration data/parameter”] comprises: selecting the set of default image display characteristics based on information provided by the user (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 26, Fields discloses that prompting a user of the client computer to provide information regarding the client computer comprises: prompting a user of the client computer to provide information regarding the display monitor of the client computer including one or more of the display monitor type, display monitor age, and display monitor location [i.e. 'Mac number'] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 27, Fields discloses that providing the selected set of default image display characteristics to the image server to adjust the requested image in accordance with the set of default characteristics for display on a computer client display monitor (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim 28, Fields discloses that providing the selected set of default characteristics to the image server comprises: providing the selected set of default characteristics ["default information"] and the requested image to the image server to adjust [i.e. "color adjusting"] the requested image in accordance with the set of default characteristics for display on a computer client display monitor ["display unit"] (see Abstract; Fig. 3, col. 2 lines 14-42; col. 4 lines 1-11; col. 6 lines 55 – col. 7 line 27).

Regarding claim 29, Fields discloses that wherein receiving the request comprises: receiving the request ["request"] at an image request server ["server"]; and providing the selected set of default image display characteristics ["default web page"] to the image

server comprises: bouncing the client computer over the network to the image server (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 30, Fields discloses that wherein the computer network is an Internet, an intranet, or a local area network (see Fig 3).

Regarding claim 31, Fields discloses that determining the unavailability of client computer image display characteristics to the image server comprises: determining the unavailability of a client computer cookie [“cookie”] to the image request server, the cookie related to the image display characteristics of the client computer (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 32, Fields discloses that bouncing the client computer comprises: distributing JavaScript or VBScript to the client computer [“client machine”] to bounce the client computer over the network to the image server [“sever”] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim 33, Fields et al discloses that bouncing the client computer comprises: distributing HTML, XML, or other mark-up language commands [i.e. ‘HTML’] to redirect the client computer [“client machine”] over the network to the image server [“server”] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Friday 7:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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